

DETAILED ACTION

1. In view of the appeal brief filed on 9/06/2011, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Michael A Marcheschi/

Supervisory Patent Examiner, Art Unit 1775

Claim Objections

2. Claim 7 is objected to because of the following informalities: in line 2, "an" should be "the". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-4, 7-10, 12, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bader (2315890) in view of Smith (4545917) or Rowland (6451754).

As to Claim 1, Bader ('890) discloses an automatic dishwashing machine detergent dispensing device (17) comprising a detergent bar (6), said detergent bar (6) disposed within a channel (within 20), wherein the detergent bar (6) completely fills at least a portion of the channel (within 20) across the entire bore of the channel (see Figure 1 and p. 2 left column lines 66-68), the channel (20) having an open end (27 on 26 – see Figure 2, or opening at the top of 20 covered by 21) and an inlet aperture (via 22, or 27 on the side as shown in Figure 3) which is in communication with said open end (27 on 26 – see Figure 2, or opening at the top of 20 covered by 21).

Bader ('890) does not appear to specifically teach that the detergent bar is comprised of a surfactant.

It was well known in the art at the time of invention to provide a detergent bar used in a dishwasher with a surfactant. Smith ('917) exemplifies an automatic dishwashing machine detergent dispensing device (10) comprising a detergent bar comprising a surfactant (see Col. 1 lines 35-39, Col. 2 lines 19-46) in order to control the solubility of the bar and to increase the shine of the washed and dried glassware and dishware (see Col. 1 lines 39-60 and Col. 2 lines 27-30). Rowland ('754) also exemplifies an automatic dishwashing detergent bar comprised of a surfactant as a known component of a dishwashing detergent used in automatic dishwashing machine (see Col. 4 lines 37-45, Col. 10 lines 19-20, Col. 12 line 65 to Col. 19 line 60 – particularly Col. 12 line 65 to Col. 13 line 6 and Col. 13 lines 14-22, Col. 47 lines 8-23).

It would have been obvious to one of ordinary skill in this art at the time of invention to provide a surfactant in the detergent bar of Bader as a known dishwashing detergent component in order to provide a dishwashing detergent bar that controls the solubility of the bar as well as to increase the shine of washed and dried dishware and glassware.

As to Claim 2, Bader ('890) discloses that the channel (20) has a uniform bore (see Figures 1-2), along its length or at least along the portion filled by the detergent bar (6).

As to Claims 3-4, Bader ('890) discloses that the channel (20) is a tube that is cylindrical (see Figures 1-3).

As to Claim 7, Bader ('890) discloses that the channel (20) has a plurality of open ends (27 on 26 – see Figure 2, and opening at the top of 20 covered by 21) each of which being in communication with the inlet aperture (via 22 or 27 on the side as shown in Figure 3).

As to Claim 8, Bader ('890) discloses that the channel (20) comprises a tube both ends (27 on 26 – see Figure 2, and opening at the top of 20 covered by 21) of which are open (see Figure 2)

As to Claim 9, Bader ('890) discloses that the open end of the channel (20) comprises the inlet aperture (22) (see Figure 1).

As to Claim 10, Bader ('890) discloses that the channel (20) has a secondary aperture (27 on 26 – see Figure 2, or 27 on the side as shown in Figure 3).

As to Claim 12, Bader ('890) discloses that the secondary aperture may comprise a plurality of separate apertures (27 on 26) (see Figure 2).

As to Claim 16, while Bader ('890) does not appear to specifically teach that the secondary aperture possesses a diameter of less than 5 mm, it would have been obvious and well within the purview of one of ordinary skill in this art at the time of invention to modify the diameter of secondary aperture (on 26) to less than 5mm in order to ensure/control water flow, which contains the detergent, from the channel into the dishwasher but at the same time to retain the detergent bar sufficiently. Only the expected results would be attained (see MPEP §2144.04 section IV (A)).

As to Claim 20, while Bader ('890) does not appear to specifically teach that the channel comprises a water-resistant or water-insoluble material, it would have been obvious and well within the purview of one of ordinary skill in this art at the time of invention to provide a water-resistant or water insoluble material for the channel in the device of Bader so that the device is able to function as intended without being affected by its surrounding (i.e. water). Only the expected results would be attained.

Thus, Claims 1-4, 7-10, 12, 16 and 20 would have been obvious within the meaning of 35 U.S.C. 103(a) over the combined teachings of Bader ('890) and Smith ('917) or Rowland ('754).

6. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bader (2315890) in view of Smith (4545917) or Rowland (6451754) as applied to claims 1 and 10 above, and further in view of Steindorf (5186912).

Bader ('890) and Smith ('917) or Rowland ('754) are relied upon for disclosure described in the rejection of claims 1 and 16 under 35 U.S.C. 103(a).

Neither Bader ('890), Smith ('917) or Rowland ('754) appears to specifically teach that the diameter of the secondary aperture is less than 5mm or that the channel comprises a water-resistant or water insoluble material.

It was well known in the art at the time of invention to provide apertures with diameter less than 5mm and a water-resistant or water insoluble material for a channel in an automatic dishwashing machine detergent dispensing device. Steindorf ('912) discloses an automatic dishwashing machine detergent dispensing device (10) comprising a detergent bar (13), said detergent bar (13) disposed within a channel (within 11, defined by 15, 16, 17), wherein the detergent bar (13) completely fills at least a portion of the channel (11) across the entire bore of the channel (11) (see Figure 1 and Col. 4 lines 56-65), the channel having an open end (at 14) and an inlet aperture (18 or 23 or Col. 4 lines 15-17) which is in communication with said open end (at 14) (see Figures 1-3), and a secondary aperture (23), wherein the secondary aperture (18 or 23) has a diameter less than 5 mm (see Col. 4 lines 10-12 and 29-30), and wherein the channel (11) comprises a water-resistant or water insoluble material (see Col. 5 lines 24-32), in order to provide control over the amount of the detergent bar is dissolved and allow water and dissolved detergent to drain out no matter what level of detergent bar is present in the device and be released from the device (see Col. 4 lines 18-28) and to withstand conditions within the dishwasher as well as to be disposable after use (see Col. 5 lines 24-28 and 30-32).

It would have been obvious to one of ordinary skill in this art at the time of invention to provide the secondary aperture having a diameter less than 5 mm and to provide a water-resistant material for the channel in the device of Bader as modified by Smith or Rowland in order to allow water and dissolved detergent to drain out as well as to control the amount of the detergent bar being dissolved and to allow the device to withstand the conditions experienced within the dishwasher as shown by Steindorf.

Thus, Claims 16 and 20 would have been obvious within the meaning of 35 U.S.C. 103(a) over the combined teachings of Bader ('890), Smith ('917) or Rowland ('754) and Steindorf ('912).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references relate either to the field of the invention or subject matter of the invention, but are not relied upon in the rejection of record: 2552852.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINA M. YOO whose telephone number is (571)272-6690. The examiner can normally be reached on M-F 10:30 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Marcheschi can be reached on 571-272-1374. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael A Marcheschi/
Supervisory Patent Examiner, Art Unit 1775

/REGINA M YOO/
Examiner, Art Unit 1775